HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No. 15460 of 2005

Between:

G.Vijayakumar r/o Gufanagar,

Sitarambagh, Hyderabad .. Petitioner

AND

The State of Andhra Pradesh, represented by

Its Principal Secretary, Backward Classes

Welfare, Secretariat Buildings,

Hyderabad and another ..Respondents.

Counsel for the Petitioner: Shri D.Prakash Reddy,

for Shri K.S.Murthy

Counsel for the Respondents: Advocate General

Dated: March 8, 2006

ORDER:

Per G.S.Singhvi, C.J.

In this petition the petitioner has prayed for issuance of a writ in the nature of mandamus directing the respondents to exclude the creamy layer from the existing backward classes and then implement the policy of reservation.

A perusal of the proceeding sheets of the case shows that this writ petition was tagged with the batch of writ petitions in which constitutionality of A.P. Act No. 21 of 2005 was challenged. However, when the batch of petitions was listed for pronouncement of judgment, it was brought to the notice of the Court that this petition has nothing to do with the relief claimed in the batch of writ petitions. Thereupon, the case was segregated and listed before the Division Bench.

On 1-12-2005, 20-12-2005, 30-1-2006 and 27-2-2006, learned counsel appearing for the respondents sought for adjournment by saying that a cabinet sub-committee has been constituted to identify the creamy layer among the backward classes.

Yesterday, an affidavit of Sri Mohd. Shafiquzzaman, Principal Secretary to Government, Backward Classes Welfare Department, Government of Andhra Pradesh has been filed. Paragraphs 3, 4 and 5 of that affidavit read as under:

> "It is submitted that the Group of Ministers held meeting on 20-2-2006 as scheduled and among other things recommended to adopt the criteria of creamy layer as fixed by Government of India except that the annual income limit which is fixed by Government of India at Rs.2.50 lakhs p.a. may be fixed at 4.00 lakhs p.a. in Andhra Pradesh.
>
> It is submitted that the recommendation of the Group of Ministers will be placed before next Cabinet meeting and orders will be issued by Government accordingly.
>
> It is submitted that the whole process may not take more than four weeks time."

In view of the fact that the cabinet sub-committee has made recommendation and suggested new criteria for identification of the creamy layer and the recommendation is likely to be placed before the cabinet within a period of four weeks from today, the writ petition is disposed of as infructuous.

However, liberty is given to the petitioner to file miscellaneous petition

for revival of the writ petition, if the decision taken by the State Government on the recommendation of the cabinet sub-committee is not notified at the end of four weeks or within a reasonable time thereafter.

As a sequel to the disposal of the main petition, W.P.M.P.No. 19638 of 2005 is also disposed of as infructuous.

G.S.SINGHVI, C.J.

March 8, 2006

G.BHAVANI PRASAD, J.

GRR